

"An Act relative to State parks; creating a State Parks Board to investigate prospective park sites in the State and report to the Legislature with recommendations; authorizing the board to solicit and accept donations of land for State park purposes; making an appropriation for expenses of the board; providing that localities may pay expenses of the board in visiting such locality to investigate and inspect land for park purposes; and declaring an emergency.

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

WITT, Chairman.

Committee Room,

Austin, Texas, May 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 93, A bill to be entitled "An Act to authorize State of Texas to co-operate with other cotton producing states in the work of the Cotton States Commission; providing for the appointment of representation on said commission and other purposes."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

WITT, Chairman.

#### SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, May 8, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Charles Murphy.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Doyle.
Baugh.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Holbrook.
Burkett.	McMillin.
Cousins.	Murphy.

Parr.	Thomas.
Pollard.	Turner.
Rice.	Watts.
Ridgeway.	Wirtz.
Rogers.	Witt.
Strong.	Wood.
Stuart.	Woods.

Absent.

Lewis.

Absent—Excused.

Clark.

Davis.

Darwin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Darwin for today, on account of important business, on motion of Senator Murphy.

#### Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senator Fairchild:

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 2, Title 65, Revised Statutes of 1911, by adding thereto Article 4352-a pertaining to the registration of bonds and prescribing the duties with reference thereto of the Comptroller, his chief clerk and bond clerk, and validating registration of bonds heretofore registered; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senators Pollard and Burkett:

S. B. No. 100, A bill to be entitled "An Act providing for the supervision and regulation of the transportation of persons and property for the compensation or hire over any public highway by motor propelled vehicles; defining auto transportation companies as common carriers and providing for the supervision and regulation thereof by the Railroad Commission of Texas; providing for the is-

suance of certificates of convenience and necessity for the operation of auto transportation companies; providing for the furnishing of liability insurance or a surety bond by auto transportation companies; defining the duties and powers of the Railroad Commission of Texas over auto transportation companies; authorizing the Railroad Commission of Texas to make rules and regulations for governing auto transportation companies, to fix rates, supervise service, make investigation of books, accounts, and the doing of all other matters and things pertaining to auto transportation that may be necessary in the matter of regulation and control; authorizing the Railroad Commission of Texas to punish for contempt for the violation of its rules and regulations; providing a penalty for the violation of the law and the rules and regulations of the Railroad Commission of Texas; providing for the collection of an annual fee to defray the cost of administering and enforcing this law; providing for additional office space and the employment of the necessary employees to administer and enforce this law, and the payment of such employees and all other expenses out of the funds derived from fees and fines and providing for payment in event of deficit, and declaring an emergency."

To the Committee on Roads, Bridges and Ferries.

By Senators Pollard and Burkett:

S. B. No. 101, A bill to be entitled "An Act to limit the weights of wagons or other vehicles drawn or propelled by muscular power which may be operated on the public highways; providing for the issuing of special permits to move or operate vehicles with gross weights greater than those prescribed in this Act in certain cases; providing a penalty for violating the provisions of this Act, and declaring an emergency."

To the Committee on Roads, Bridges and Ferries.

By Senator Burkett:

S. B. No. 102, A bill to be entitled "An Act defining "Commissions," "Public Road," "Highway," "Railroads," "Railroad Grade Crossing," "Separation of Grades," "Underpass," "Overpass," authorizing the State Railroad Commission to curtail the construction of railroad grade crossings and to provide for the elimination of railroad

grade crossings already constructed, in certain cases; to authorize the Railroad Commission to conduct hearings and issue orders and decisions in respect to the construction of underpasses and overpasses, and elimination of railroad grade crossings already constructed, authorizing the acquiring of additional right-of-way; providing for maintenance of underpasses and overpasses; providing for apportionment of the expenses of crossings constructed under the provisions of this Act; providing the manner of enforcing the orders issued by the Railroad Commission pursuant hereto; providing right of appeal from the decisions of the Railroad Commission, and declaring an emergency.

To the Committee on Roads, Bridges and Ferries.

#### Senate Joint Resolution.

By Senator Wood:

S. J. R. No. 4, Authorizing and providing for the exchange between the State of Texas acting by the Board of Prison Commissioners and the Hermann Hospital Estate of certain lands situated in Fort Bend County, Texas, and authorizing the Board of Prison Commissioners to execute and accept such conveyances as may be necessary to effect same.

To the Committee on State Penitentiaries.

#### S. R. No. 29.

By Senator Bailey:

Resolved, That the use of the Senate Chamber be, and the same is hereby tendered by the Senate to the Daughters of the Confederacy for the purpose of holding memorial and patriotic services on Monday, May 14, 1923, at 7:30 o'clock p. m. for the purpose of formally presenting and unveiling the oil painting of General Albert Sidney Johnston recently purchased, and to be hung appropriately on such occasion in the Senate Chamber.

The resolution was read and adopted.

#### S. B. No. 14 on Second Reading.

On motion of Senator Bowers, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order, S. B. No. 14, A bill to be entitled

"An Act authorizing the board of directors to purchase additional lands adjacent to the Agricultural and Mechanical College of Texas the title to said lands to be taken in the name of the board of directors and their successors, and said lands to be subject to the control of said board of directors; said lands comprising approximately three hundred and eighty-three (383) acres in several tracts whose ownership or description is herein indicated; providing for the purchase from the different owners and authorizing condemnation proceedings in case the price of the several tracts cannot be agreed upon between the respective owners and said board of directors; providing the manner of drawing vouchers and approving the title of said lands by State officials, making an appropriation for the purchase of said lands out of the general revenues, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 14, page 3, lines 1 and 2, by striking out the words "The sum of one hundred and fifty thousand (\$150,000.00) dollars" and inserting in lieu thereof the following:

"The sum of seventy-five thousand (\$75,000.00) dollars for the fiscal year ending August 31st, 1924, and the sum of seventy-five thousand (\$75,000.00) dollars for the fiscal year ending August 31, 1925."

The amendment was adopted.

S. B. No. 14 was then passed to engrossment.

#### S. B. No. 14 on Third Reading.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 14 was put upon its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Fairchild.
Baugh.	Floyd.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Burkett.	Murphy.
Cousins.	Parr.
Doyle.	Pollard.

Ridgeway.	Watts.
Rogers.	Wirtz.
Strong.	Witt.
Thomas.	Woods.
Turner.	

Nays—2.

McMillin.	Rice.
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Present—Not Voting.

Wood.

Absent.

Darwin.

Stuart.

Absent—Excused.

Clark.

Davis.

The Chair then laid S. B. No. 14 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—18.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Doyle.	Stuart.
Fairchild.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Wood.

Nays—8.

Cousins.	Strong.
Floyd.	Wirtz.
McMillin.	Witt.
Rice.	Woods.

Absent.

Bledsoe.

Darwin.

Absent—Excused.

Clark.

Davis.

#### S. B. No. 41 on Second Reading.

The Chair laid before the Senate as special order, on its passage to engrossment,

S. B. No. 41, A bill to be entitled "An Act amending statutes relative to elections, general and primary, and the requirements of poll tax receipts; amending Article 2949 of the Revised Civil Statutes of the State of Texas of 1911, requiring poll tax receipts to show the name of the political party to which the person to whom it is issued belongs; amending Article 2950 of the Revised Civil

Statutes of the State of Texas of 1911, requiring that every poll tax receipt form shall show the political party to which the person to whom such receipt is issued belongs; amending Article 2953 of the Revised Civil Statutes of the State of Texas of 1911, requiring that exemption certificates shall state the name of the political party to which the person procuring such certificate belongs; amending Article 2956 of the Revised Civil Statutes of the State of Texas of 1911, requiring duplicate copy of poll tax receipts and certificates of exemption to show the name of the political party of the person to whom such receipt or certificate of exemption is issued; amending Article 2961 of the Revised Civil Statutes of the State of Texas of 1911, requiring that lists of poll tax payers show the name of the political party to which each of such tax payers belong; providing a new section to be numbered 2961a, providing that during the month of April in any year voters may change their party affiliations and requiring a record be kept of such changes and requiring further that a list of voters changing party affiliations shall be furnished presiding judges of all party primary elections; amending Article 3116 of the Revised Civil Statutes of the State of Texas of 1911, by providing that the lists of voters used in the primary elections shall show the name of the political parties to which such voters belong, respectively; and providing that persons who have declared themselves to belong to one political party shall not be allowed to vote in a primary election of any other party; amending Article 3118 of the Revised Civil Statutes of the State of Texas of 1911, by providing that the same precautions provided by law to secure the purity of the ballot box of general elections shall in all respects apply to primary elections."

The bill was read second time on May 4, and made a special order for this hour.

Senator Wirtz moved to postpone further consideration of the bill indefinitely.

Yeas and nays were demanded, and the motion to postpone was lost by the following vote:

## Yeas—8.

Burkett.	Murphy.
Fairchild.	Rogers.
Floyd.	Watts.
Holbrook.	Wirtz.

## Nays—17.

Bailey.	Ridgeway.
Baugh.	Strong.
Bledsoe.	Stuart.
Bowers.	Thomas.
Cousins.	Turner.
Doyle.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Rice.	

## Absent—Excused.

Davis.

## (Pairs Recorded.)

Senator Pollard (present), who who would vote "nay," with Senator Darwin (absent), who would vote "yea."

Senator Parr (present), who would vote "nay," with Senator Clark (absent), who would vote "yea."

Senator Bailey offered the following amendment to the bill, at the request of Senator Clark, who was absent:

Amend S. B. No. 41 and the caption thereof so as to exempt the counties of Austin, Colorado, Lavaca, Fayette and Waller from all of the provisions of the bill.

Senator Ridgeway moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—14.

Baugh.	Ridgeway.
Bledsoe.	Stuart.
Bowers.	Thomas.
Doyle.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Rice.	Woods.

## Nays —11.

Bailey.	Murphy.
Burkett.	Rogers.
Cousins.	Strong.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	

## Absent—Excused.

Davis.

(Pairs Recorded.)

Senator Pollard (present), who would vote "yea," with Senator Darwin (absent), who would vote "nay."

Senator Parr (present), who would vote "yea," with Senator Clark (absent), who would vote "nay."

(Senator Wirtz in the chair.)

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 41 by substituting from "July 1 to 15" for "month of April" wherever same occurs in the bill.

Senators Woods and Bailey offered the following substitute for the amendment:

Amend S. B. No. 41 as follows:

Strike out Section 5 of the bill, and also strike out of Section 6 the words beginning with the word "and" in sixth line from bottom of left-hand column, page 161 of Senate Journal, and ending with the word "election" in the thirteenth line, right-hand column, page 161, Senate Journal.

Senator Ridgeway moved to table the substitute.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—10.

Baugh.	Ridgeway.
Bowers.	Stuart.
Lewis.	Thomas.
McMillin.	Turner.
Rice.	Wood.

Nays—15.

Bailey.	Murphy.
Bledsoe.	Pollard.
Burkett.	Rogers.
Cousins.	Strong.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Woods.
Holbrook.	

Absent.

Witt.

Absent—Excused.

Darwin.

Davis.

(Pair Recorded.)

Senator Parr (present), who would vote "nay," with Senator Clark (absent), who would vote "yea."

The substitute was adopted and the amendment as substituted was then adopted.

(President Pro Tem. Murphy in the chair.)

Question—Shall the bill be passed to engrossment?

Yeas and nays were demanded and the bill was passed to engrossment by the following vote:

Yeas—15.

Bailey.	Ridgeway.
Baugh.	Stuart.
Bowers.	Thomas.
Cousins.	Turner.
Doyle.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Rice.	

Nays—10.

Bledsoe.	Murphy.
Burkett.	Rogers.
Fairchild.	Strong.
Floyd.	Watts.
Holbrook.	Wirtz.

Absent—Excused.

Davis.

(Pairs Recorded.)

Senator Parr (present), who would vote "yea," with Senator Clark (absent), who would vote "nay."

Senator Pollard (present), who would vote "yea," with Senator Darwin (absent), who would vote "nay."

#### S. B. No. 41—Motion to Suspend Constitutional Rule.

Senator Ridgeway moved to suspend the constitutional rule requiring bills to be read on three several days in each House, in order to place S. B. No. 41 upon its third reading and final passage. The motion was lost by the following vote, not receiving the necessary four-fifths majority:

Yeas—19.

Bailey.	McMillin.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Cousins.	Ridgeway.
Doyle.	Strong.
Lewis.	Stuart.

Thomas.  
Turner.  
Witt.

Wood.  
Woods.

Nays—8.

Burkett.  
Fairchild.  
Floyd.  
Holbrook.

Murphy.  
Rogers.  
Watts.  
Wirtz.

Absent—Excused.

Clark.  
Davis.

Darwin.

#### S. B. No. 90 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 90, A bill to be entitled "An Act making available to the Board of Control any moneys which represent any unexpended balance of any appropriation made for support and maintenance of the American Legion Memorial Sanatorium, so that such moneys may be used to pay any necessary expense incident to the carrying out of the lease of said sanatorium to the Federal Government, and transferring patients to the institution, and taking care of other patients unable to be transferred, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Wood..
Murphy.	Woods.
Parr.	

Absent.

Floyd.

Witt.

Absent—Excused.

Clark.  
Darwin.

Davis.

#### S. B. No. 91 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 91, A bill to be entitled "At Act creating the Texas Historical Board; defining its powers and duties; fixing the tenure of office of its members; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—24.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Doyle.	Thomas.
Fairchild.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Wood..
Murphy.	Woods.

Absent.

Floyd.  
Stuart.

Witt.

Absent—Excused.

Clark.  
Darwin.

Davis.

#### S. B. No. 65 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 65, A bill to be entitled "An Act amending the statutes relative to primary elections, by amending Article 3084 of the Revised Civil Statutes of the State of Texas of 1911, so as to authorize the nomination by parties casting not more than one hundred thousand votes for their nominee for Governor at the next preceding general election, to nominate candidates from Texas for the United States Senate as is permitted by Articles 3159, 3160, 3161, 3162 and 3163 of the Revised Civil Statutes of the State of Texas of 1911."

The bill was read third time and passed.

**S. B. No. 49 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 49, A bill to be entitled "An Act to amend Article 7407 of Chapter 4, Title 126, of the Revised Civil Statutes of Texas of 1911, relating to the creation of a State Tax Board; fixing the annual salary of the State Tax Commissioner; providing that the provisions hereof with respect to such salary shall be superior to those of any other Statute of this State conflicting therewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

**Yeas—16.**

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Ridgeway.
Bowers.	Stuart.
Cousins.	Thomas.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Wood.

**Nays—9.**

Burkett.	Rogers.
Floyd.	Strong.
Lewis.	Turner.
McMillin.	Woods.
Rice.	

**Present—Not Voting.**

Pollard.

**Absent.**

Witt.

**Absent—Excused.**

Clark.	Davis.
Darwin.	

**S. B. No. 61 on Engrossment.**

Senator Cousins called up S. B. No. 61, relating to duties of State Health Department, which was read second time on May 7, and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 61 as follows:

By striking out the following words in first sentence of Article 4521: "And each member shall be a duly licensed physician authorized to practice medicine in this State" and insert in lieu

thereof: "Of whom five members shall be duly licensed physicians authorized to practice medicine in this State, and two members shall be laymen."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. 61 by striking out the figures "\$5,000.00" in Article 4522 and insert in lieu thereof the figures "\$3,600 00."

Senator Cousins moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

**Yeas—9.**

Blédsoe.	Parr.
Bowers.	Rogers.
Cousins.	Witt.
Fairchild.	Wood..
Holbrook.	

**Nays—17.**

Bailey.	Rice.
Baugh.	Strong.
Burkett.	Stuart.
Doyle.	Thomas.
Floyd.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Woods.
Pollard.	

**Absent.**

Ridgeway.

**Absent—Excused.**

Clark.	Davis.
Darwin.	

The amendment was then adopted.

**H. B. No. 70—Ordered Printed in the Journal.**

On motion of Senator Strong, H. B. No. 70, reported adversely but with a favorable minority report, was ordered printed in the Journal.

**Recess.**

On motion of Senator Bailey, the Senate, at 12:10 p. m., recessed until 2:30 p. m. today.

**Afternoon Session.**

The Senate met at 2:30 p. m. and was called to order by President Pro Tem Charles Murphy.

**S. B. No. 61 on Engrossment.**

The Chair laid before the Senate, as pending business, on its passage to engrossment, S. B. No. 61, relating to the Department of the State Board of Health, which was under consideration at the time the Senate recessed this morning.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 61 by striking out the following words and figures where they occur in Article 4522, Section 1: "Director of each bureau and" "\$3,600.00," and insert the figures "\$3,000.00."

The amendment was adopted.

Senator Woods offered the following amendments:

Amend S. B. No. 61 by striking out the word "seven" in the caption and inserting the word "five," and by adding after the word "physicians" the following: "and two laymen."

Amend caption by striking out the words where they occur together: "The heads of bureaus in the State Health Department" and insert "Assistant State Health Officer."

The amendments were adopted.

S. B. No. 61 was then passed to engrossment.

**S. B. No. 44 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 44, A bill to be entitled "An Act amending Article 3093 of the Revised Civil Statutes of the State of Texas of 1911, by adding a new section following such article to be numbered Article 3093a; providing that any qualified elector under the laws and Constitution who is a Democrat shall be eligible to participate in Democratic primaries, but declaring that in no event shall a negro participate in a Democratic primary in the State of Texas and declaring ballots cast by negroes as void."

The bill was read second time.

Senator Bowers moved that the minority report which recommended that the bill do pass, be adopted, and the motion prevailed.

Senator Bowers offered the following amendments to the bill:

Amendment No. 1, S. B. No. 44.

Amend the caption to S. B. No. 44, by adding thereto the following:

"Also by amending Article 3089 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a new section to be known as Article 3089a, providing that all supervisors, judges and clerks of any election, shall be qualified voters of the election precinct in which they are named to serve."

Amendment No. 2, S. B. No. 44.

Amend S. B. No. 44 as follows: at the end of said bill add the following:

"Also amending Article 3089 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a new section, to be known as Article 3089a, and to read as follows:

"All supervisors, judges and clerks of any election shall be qualified voters of the election precinct in which they are named to serve."

The amendments were adopted.

Senator Bowers offered the following amendment to the bill:

Amend the caption of S. B. No. 44 by adding at the end of said caption the following: "and declaring an emergency."

"Sec. 2. The crowded condition of the legislative calendar creates an imperative public necessity making necessary the suspension of the constitutional rule requiring bills to be read on three several days in each House and this Act shall take effect from and after its passage, and said rule is hereby suspended.

The amendment was adopted.

S. B. No. 44 was then passed to engrossment.

**S. B. No. 44 on Third Reading.**

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 44 was put upon its third reading and final passage by the following vote:



## Yeas—24.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Doyle.	Strong.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

## Absent.

Bledsoe.	Thomas.
Stuart.	

## Absent—Excused.

Clark.	Davis.
Darwin.	

The Chair then laid S. B. No. 44 before the Senate on its third reading and final passage.

The bill was read third time and passed.

**S. B. No. 62 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 62, A bill to be entitled "An Act authorizing cities having more than five thousand inhabitants to specially illuminate districts thereof, and to construct, install, equip and maintain a system of artificial lights as a local public improvement; providing for abutting property owners desiring such public improvement to petition for same or that same may be done by the governing authorities of the city without such petition; providing for the cost of such local public improvement to be paid by the abutting property owners by assessment in an amount not to exceed the benefits received by the property; providing for a lien against the property and a personal claim against the owner and the issuance of assignable certificates, payable in installments with interest, against the property owner for the amount of the assessment; providing for the letting of the contract for such public improvement by the city and providing for a hearing for the property owners to be heard and make objections; providing for the

enforcement of the assessment by suit against the property owners; providing for suit by the property owner to attack the validity of the proceedings hereunder; providing for the system after being completed becoming the property of the city to be maintained and kept up at its expense; and providing for an emergency."

The bill was read second time, and passed to engrossment.

**S. B. No. 59 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 59, A bill to be entitled "An Act creating an Illiteracy Commission for Texas; defining the powers and duties of said commission; and making an appropriation for the work to be carried on under the direction of said commission; and declaring an emergency."

The bill was read second time.

Senator Stuart offered the following amendment to the bill:

Amend S. B. No. 59 by striking out all of said bill following the enacting clause and inserting in lieu thereof the following:

"Section 1. That there is hereby created a Board of Commissioners which shall hereafter be designated as the Texas Illiteracy Commission. Said Commission to be composed of five persons, either men or women, four of whom shall be appointed by the Governor and a fifth shall be the Superintendent of Public Instruction, who shall act as chairman and ex-officio member of the Commission. Within thirty days after this Act shall take effect the Governor of the State of Texas shall appoint four members of the Commission, two of whom shall be appointed to hold office for a period of two years, and two shall be appointed to hold office for a period of four years, after which the term of office of said Commissioners shall expire biennially. The Governor shall appoint a person, or persons, to fill any vacancies which may occur during the time for which this Commission is created, and any and all of said Commissioners with the exception of the Superintendent of Public Instruction,

may be removed for good cause by the Governor, in which event, the party so removed shall be furnished with copy of the charge or charges brought against him and shall be given an opportunity to be heard before such removal.

"Sec. 2. The members of the Texas Illiteracy Commission shall be and are hereby constituted a body corporate with all the powers necessary to carry into effect all the purposes of this Act. They shall adopt and use a seal, elect a vice-chairman, secretary and treasurer. One person may hold the office of secretary and treasurer. The treasurer shall execute a bond to the State of Texas conditioned upon the faithful performance of the duties, trusts and obligations of his office, and conditioned upon the proper handling and accounting of all the properties, assets, funds and moneys coming into the hands of said Commission, in such amount and in such form and with such sureties as the Commission may direct. Said Commission may elect to carry on the work under its direction an executive secretary and an assistant secretary. No salary shall be paid any member of the Texas Illiteracy Commission for any services performed on such Commission, but each of said members shall be entitled to be reimbursed for actual expenses incurred for performing the duties imposed upon him as a member of this Commission; such expenses to be paid only upon a sworn itemized account of such expenses.

"Sec. 3. The executive secretary of the Commission shall hold office during the term fixed by said Commission and shall devote his entire time toward the decreasing of illiteracy in Texas, and in carrying out the instructions and duties of the Commission. Arrangements shall be made by the Commission with the State Board of Control for office room at the Capitol as the headquarters of said Commission and the place where the executive secretary shall maintain his office. The executive secretary shall receive a salary of \$3,000 per year; the Commission shall also have authority to provide for an assistant secretary, at a salary of \$1,600 per year, and to employ a stenographer at a salary of \$1,500

per year. The above salaries are based upon a period of twelve months service and shall be paid in twelve equal monthly installments.

"Sec. 4. It shall be the duty of said Commission and it is hereby given the power to do research work, collect data and statistics, procure survey of any and all communities, districts or vicinities of the State in procuring different knowledge as to the condition of the State regarding illiteracy and compile same in an annual report to be furnished and filed with the Governor and the Legislature of the State of Texas. It shall be the further duty of the Commission to seek to interest persons, institutions, clubs and societies in the dispensation of literature, data and instruction of any and all kinds which will, or may, aid in the elimination of illiteracy in the State of Texas, with special stress upon dispensating knowledge to persons above the age of 17 years, within the State of Texas, and to do or perform any other action or actions which will in their discretion contribute to the elimination of illiteracy in Texas. Said Commission shall be empowered to receive, hold, own, distribute and expend to the end of educating, instructing and enlightening of illiterate persons in the State of Texas, any and all funds or other things of value with which it may be endowed or otherwise receive. The Commission shall be controlled in such expenditure as may from time to time be adopted by the said Commission; keeping in mind the provisions and purposes of this Act.

Sec. 5. Said Commission shall adopt such rules and regulations as may seem expedient to it in the carrying on of the business of the Commission in the most systematic and satisfactory manner. The executive secretary shall be required to keep a record of all formal actions or deeds performed by said Commission.

"Sec. 6. There is hereby appropriated for the work of the Texas Illiteracy Commission for the fiscal year ending August 31, 1923, the sum of \$10,000 and for the fiscal year ending August 31, 1924, the sum of \$10,000. No warrant for salaries, expenses or warrants of any kind whatsoever, shall be paid out of said funds except it be by a warrant duly signed by the execu-

tive secretary and by the treasurer of the Commission, drawn upon the State Comptroller who shall draw his warrant upon the State Treasury. The funds appropriated in Article 6, hereof, shall be expended for the salaries of the executive secretary, the assistant secretary and the stenographer and subject to the provisions of this Act; for printing stationary, postage, office equipment, necessary traveling expenses, for the members of said Commission, and the executive secretary and assistant secretary, for teaching illiteracy and for such other legitimate expenses as may be necessary in the efficient and economical methods of carrying out the provisions for which this Commission was created.

"Sec. 7. It shall be the duty of said Commission to organize the various counties of the State of Texas for the work of eliminating illiteracy in the State so far as possible with the appropriation made herein. The Commission shall have such power as to require necessary reports of school officers as are conferred upon the State Superintendent of Public Instruction by the Act of the Thirty-sixth Legislature, Second Called Session, Chapter 71.

Sec. 8. The Commission herein created shall extend and cover a period of six years and shall expire on the thirty-first day of August, A. D. 1929, unless otherwise extended by an act of the legislature.

"Sec. 9. If any portion or part of this Act, should hereafter be declared unconstitutional this shall not invalidate or render ineffective the other portions or parts of this Act, that may not be declared unconstitutional.

"Sec. 10. That whereas there has been no organized work or concerted action toward the removal of illiteracy in the State of Texas and that whereas the lack of progress in the elimination of illiteracy in the State of Texas, and that whereas there are now approximately 300,000 illiterates in the State of Texas above the age of 17 years, and whereas such condition is a menace to good citizenship and to the democracy of Texas and to the fostering of American ideals in Texas, an emergency is therefore created which makes it an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that such rule is hereby suspended and this Act

shall be in force from and after the date of passage, and it is so enacted."

On motion of Senator Woods, the bill was laid on the table subject to call, and the amendment ordered printed in the Journal.

#### S. B. No. 48 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 48, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to sell, or offer for sale for human consumption any milk which has been so treated by any artificial means or process, as to cause same to have the appearance of containing more cream or butter fat than it actually contains and providing appropriate penalty for the violation thereof and declaring an emergency."

The bill was read second time.

Senator Baugh moved to postpone further consideration of the bill indefinitely.

Yeas and nays were demanded, and the motion to postpone was lost by the following vote:

#### Yeas—12.

Bailey.	Strong.
Bledsoe.	Stuart.
Cousins.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
McMillin.	Woods.

#### Nays—13.

Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Doyle.	Ridgeway.
Fairchild.	Thomas.
Lewis.	Wood..
Murphy.	

#### Present—Not Voting.

Rogers.

#### Absent.

Witt.

#### Absent—Excused.

Clark.  
Darwin.

Davis.

Question then recurred on the motion of Senator Baugh to lay the bill on the table subject to call.

Yeas and nays were demanded, and the motion to lay on the table was lost by the following vote:

## Yeas—10.

Baugh.	McMillin.
Bledsoe.	Rice.
Doyle.	Stuart.
Fairchild.	Turner.
Lewis.	Woods.

## Nays—16.

Bailey.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Floyd.	Thomas.
Holbrook.	Watts.
Murphy.	Wirtz.
Parr.	Wood..

Absent.

Witt.

Absent—Excused.

Clark.	Davis.
Darwin.	

Senator Rogers offered the following amendment to the bill:

Amend the bill by adding after Section 1 the following: "When said process or treatment is for the purpose of defrauding or deceiving the public and not for purification or pasteurization and not for the purpose of complying with any health ordinance or law.

The amendement was adopted.

Question: Shall the bill be passed to engrossment?

Yeas and nays were demanded, and S. B. No. 48 failed on engrossment by the following vote:

## Yeas—8.

Burkett.	Pollard.
Fairchild.	Ridgeway.
Murphy.	Rogers.
Parr.	Wood.

## Nays—17.

Bailey.	Rice.
Baugh.	Strong.
Bledsoe.	Stuart.
Bowers.	Thomas.
Cousins.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	

Present—Not Voting.

Doyle.

Absent.

Woods.

Absent—Excused.

Clark.	Davis.
Darwin.	

## S. B. No. 92 on Second Reading.

On motion of Senator Wood, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 92, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this Act; and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

Senator Bledsoe offered the following amendment to the bill:

Amend S. B. No. 92, as printed in the Journal, page 272, by striking out the following words and figures:

"To pay A. R. Merriwether, witness claim .....	\$3.08
To pay Z. T. Riley, witness claim .....	3.08
To pay Roy Phillips, witness claim .....	3.20
To pay Chester C. Clark, witness claim .....	4.00
To pay Mrs. Mary Clark, witness claim .....	4.00
To pay W. N. Brown, witness claim .....	3.08"

and insert in lieu thereof the following:

"To pay the Lockney State Bank of Lockney, Texas, the witness claims of A. R. Merriwether, Z. T. Riley, Roy Phillips, Chester C. Clark, Mrs. Mary Clark and W. N. Brown, in cause No. 681, The State of Texas vs. J. C. Garrison in District Court of Hale county, Texas. Total, \$20.44."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Insert just before emergency clause:

"To J. W. Madden of Crockett, Houston county, Texas, for services rendered as Special Associate Jus-

tice of the Supreme Court of Texas, by appointment of the Governor of Texas as per his commission bearing date December 27, 1923, in three cases pending in said court wherein the regular justices were disqualified as follows:

Sovereign Camp Woodmen of the World vs. Amadeo S. Hubbard, No. 12220.

Sovereign Camp Woodmen of the World vs. O. F. Bailey, Guardian, No. 12303.

Mrs. Gladys Hutcherson et al. vs. Sovereign Camp Woodmen of the World. No. 12596.

The services actually rendered are composed of the following items, viz.:

Two days on submission and consideration of applications for writs of error in all three cases at the rate of \$17.80 per day, or a total of .....	\$ 35.60
One day on motions for rehearing at the same rate, being .....	17.80
One day submission and consideration of merits of one case, being .....	17.80
Twelve days, or four days in each of three trips from Crockett to Austin and return, being .....	213.60
Five days in the investigation and consideration of these cases at my home office given to the study of the cases and examining the authorities at the same rate, being .....	89.00
Actual railroad fare and hotel expenses of \$30 for each of the three trips, or a total of .....	90.00
Making an aggregate total of .....	\$463.80

The foregoing account is based upon the per diem rate paid Supreme Court judges of \$6500.00 at \$17.80 per day, it being supposed that special judges should be compensated at the same rate.

I do solemnly swear that the foregoing account is true and correct according to the best of my knowledge and belief.

J. W. MADDEN,  
Special Associate Justice.

Sworn to and subscribed before me this the 7th day of May, A. D. 1923.

S. A. DENNY,

(Seal.)

Notary Public in and for Houston County, Texas.

The amendment was adopted.

Senator Witt offered the following amendment to the bill:

Amend S. B. No. 92 by adding on page 269 of the Journal the following:

"To pay Shear Co., Waco, Texas, for supplies furnished the State Training School at Gatesville during the years 1918 and 1919, \$4340.06."

The amendment was adopted.

Senator Watts offered the following amendment to the bill:

Amend S. B. No. 92, as printed in Journal, by adding after line 8, page 273, the following:

"To reimburse The American National Bank of Austin, Austin, Texas, for money advanced for the construction of two buildings at the Agricultural and Mechanical College, authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, pages 104 to 105, \$34,837.20."

The amendment was adopted.

Senator Watts offered the following amendment to the bill:

Amend S. B. No. 92, as printed in the Journal, page 273, and just above Section 2 by adding:

"To pay H. and L. E. Gurley for weights and measures sold to F. C. Weinert, Commissioner Markets and Warehouse Department, 1920, \$1,368.55."

The amendment was adopted.

Senator Stuart offered the following amendment to the bill:

"To refund to the following foreign corporations who paid franchise taxes and permit fees under protest to the State of Texas under the Act of the Texas Legislature of 1907, that was declared unconstitutional by the Supreme Court of the United States in the case of Looney vs. Crane Company, decided December 10, 1917, and reported in 245 United States Reports.

"The amount of refund herein appropriated being the amount paid on capital not used in Texas, which the State of Texas had no authority

to collect, as the capital was not under the jurisdiction of the State of Texas.

"The names of the corporations, location and amount appropriated to each are as follows:

Name of Corporation.	Where Incorporated.	Amount to be Refunded.
Aetna Dynamite Co.....	New York.....	\$ 246.00
Appleton & Co., D.....	New York.....	5,890.50
American Cement Plaster Co.....	Kansas.....	4,643.00
Avery & Sons, B. F.....	Kentucky.....	1,027.49
Austin Co., Inc., F. C.....	Illinois.....	768.50
Aultman & Taylor Machinery Co.....	Ohio.....	1,168.75
American Sheet Metal Works.....	Louisiana.....	285.56
Ahrens & Ott Mfg. Co.....	.....	2,648.00
Barnhart Mercantile Co.....	Missouri.....	1,195.04
Cable Co., The.....	Illinois.....	1,226.50
Carman Laundry Supply Co.....	Illinois.....	74.00
Chase-Hockley Piano Co.....	Michigan.....	1,410.00
Chickasha Cotton Oil Co.....	Oklahoma.....	8,193.00
Central Coal & Coke Co.....	Missouri.....	8,193.00
Coca Cola Company.....	Georgia.....	3,623.19
Cudahy Packing Co.....	Louisiana.....	1,378.00
Decarie Incinerator Co.....	Minnesota.....	372.70
Delta Land & Timber Co.....	Delaware.....	4,298.55
Delta Lumber Co.....	Delaware.....	375.00
Dickinson Trust Co.....	Indiana.....	1,327.67
Dodd-Meed & Co.....	New York.....	198.75
Gilsonite Construction Co.....	Missouri.....	765.98
Gullett Gin Co., The.....	Louisiana.....	1,838.82
Hamlin Supply Co.....	Kansas.....	815.40
Harrison Bros. & Co.....	Pennsylvania.....	1,255.00
Hoffman Heater Co., The.....	Ohio.....	356.50
Iten Biscuit Co.....	Nebraska.....	2,398.13
Investors' Mortgage Security Co., Ltd of Scotland.....	.....	9,033.00
Jones Co., The S. M.....	Ohio.....	1,170.00
Johnson Pub. Co., B. F.....	Virginia.....	6,759.00
Kingman Plow Co.....	Illinois.....	1,239.00
Litchfield Land Co.....	Minnesota.....	293.11
Louisiana & Texas Lumber Co.....	Missouri.....	1,740.00
Maxwell Investment Co.....	Missouri.....	433.32
McAlester Fuel Co.....	Oklahoma.....	1,148.54
Mercantile Trust Co.....	Missouri.....	8,773.26
Meyers & Sons Milling Co., John F.....	Missouri.....	1,092.00
Minneapolis Threshing Machine Co.....	Minnesota.....	708.75
National Loan & Investment Co.....	Michigan.....	577.00
Nelson Loan Co.....	Missouri.....	386.24
New Process Roofing & Supply Co.....	Illinois.....	506.60
Newberry Electric Co., F. E.....	Missouri.....	190.00
Newson & Co.....	New York.....	1,007.25
Ogus, Robinovich & Ogus.....	Illinois.....	382.60
Oil Well Supply Co., The.....	Pennsylvania.....	9,544.76
Pickering Lumber Co., W. R.....	Louisiana.....	9,221.88
Pintsch Compressing Co.....	New Jersey.....	7,065.60
Pittsburgh Piping & Equipment Co.....	Pennsylvania.....	877.34
Pittsburgh Filter & Engineering Co.....	Pennsylvania.....	600.16
Peters-Eichler Heating Co.....	Missouri.....	71.00
Power Manufacturing Co.....	Ohio.....	248.00
Rand McNally & Co.....	Illinois.....	6,203.30
Sodeman Heat & Power Co.....	Missouri.....	270.00
Standard Computing Scale Co.....	Michigan.....	848.00
Studebaker Corp. of America.....	New Jersey.....	490.00
United States Mortgage Co., Ltd., of Scotland.....	.....	7,834.00

Name of Corporation.	Where Incorporated.	Amount to be Refunded.
Waddell Investment Co.....	Missouri.....	352.00
Weiblen Marble & Granite Co., Albert.....	Louisiana.....	820.00
Western & Hawaiian Investment Co., Ltd., of Scotland.....		4,006.00
Wilson & Company.....	New Jersey.....	1,687.00

The amendment was adopted.

Senator Bailey offered the following amendment to the bill:

Amend S. B. No. 92 on page 273 of the Senate Journal by adding to Section 1 the following:

"To pay unpaid balance of salaries of Game, Fish and Oyster Commissioner, and deputies, as provided for in Chapter 44, Article 67 of the General Laws as passed at the Third Called Session of the Thirty-sixth Legislature, for which no appropriation has been made, as follows:

J. R. Jefferson, Commissioner.....	\$227.77
W. W. Boyd, Commissioner.....	250.00
B. H. Smith, Chief Deputy..	227.77
S. C. Tisdale, Chief Deputy..	250.00
T. R. Leggett, Jr., Boat Deputy.....	61.66
Geo. Raymond, Boat Deputy..	536.66
Frank Bauer, Boat Deputy..	225.00
Earl Nelson, Boat Deputy..	736.66
A. C. Thompson, Boat Deputy	786.66
J. J. Duffy, Boat Deputy....	786.66
Wilburn Smith, Boat Deputy..	625.00
J. A. Armstrong, Boat Deputy	275.00
C. H. Stelfox, Boat Deputy..	25.00
E. F. Dupree, Shore Deputy, Houston.....	172.00
T. E. Sammons, Shore Deputy Houston.....	200.00
Walter Kitchen, Mate of Boat	12.33
Tom Richardson, Mate of Boat.....	15.00
Henry Richards, Mate of Boat.....	10.00
J. N. Yeager, Mate of Boat..	45.00
Alfred Butler, Mate of Boat..	52.33
M. L. Cantwell, Supt. Fish Hatchery.....	286.66
J. W. Hopson, Boat Deputy..	25.00
J. R. Moreland, Boat Deputy	175.00
Will Holder, Hatchery Work- man.....	57.33
Howard Allenbaugh, Hatch- ery Workman.....	57.33

The amendment was adopted.

Senators Doyle and Baugh offered the following amendment to the bill:

To amend S. B. No. 92 as follows:  
"To pay W. W. Moores of Stephen-  
ville, Erath County, for services as

special district judge for three days in July, 1922, \$21.90."

The amendment was adopted.

Senator Burkett offered the following amendment to the bill: Amend S. B. 92 by adding at end of Sec. 1 on last column of page 273, of the Journal the following: "To pay W. J. Cunningham, of Abilene, Texas, district attorney, Forty-second Judicial District, for one month's salary withheld by Comptroller, \$41.65."

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend Senate Bill 92, page 270, column 1, by striking out the paragraph, beginning with the words, "For the payment of the claim of John T. Smith, Wm. Woodall, and M. M. McFarland, and giving them permission to bring suit against the State for the amount of \$10,607.43."

Senator Wood moved to table the amendment and the motion to table was lost.

Question then recurred on the amendment, and the amendment was lost by the following vote:

Yeas—4.

Baugh.	McMillin.
Cousins.	Rice.

Nays—18.

Bailey.	Ridgeway.
Bowers.	Rogers.
Doyle.	Stuart.
Fairchild.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Present—Not Voting.

Floyd.	Strong.
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Absent.

Bledsoe.	Woods.
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Burkett.

Absent—Excused.

Clark.	Davis.
Darwin.	

Senator Fairchild moved to reconsider the vote by which the first amendment by Senator Watts was adopted today, such amendment regarding the claim of the American National Bank of Austin.

The motion to reconsider prevailed. The amendment was lost.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 92 by adding:

"To pay Geo. S. King and G. C. Clegg of Harris and Liberty Counties, Texas, for services rendered as special Justices of the Supreme Court of Texas in the cases of: Sovereign Camp Woodmen of the World vs. Amadeo S. Hubbard, No. 12220; Sovereign Camp Woodmen of the World vs. O. F. Bailey, Guardian. No. 12303; Mrs. Gladys Hutcherson et al vs. Sovereign Camp Woodmen of the World, No. 12596, the sum of \$927.60."

The amendment was adopted.

Senator Ridgeway offered the following amendment to the bill:

Amend Senate Bill No. 92 by adding the following item at bottom of first column on page 273 of the Journal:

"To refund to Narcissa Place county franchise tax erroneously paid Secretary of State, \$69.20."

The amendment was adopted.

Senator Baugh offered the following amendment to the bill:

Amend S. B. No. 92 as printed in Senate Journal of May 5, 1923, page 270, first column, by striking out the following word and figures:

"Amount, \$10,607.43."

The amendment was adopted.

Senator Wood moved to reconsider the vote by which the preceding amendment was adopted and the motion to reconsider prevailed.

On motion of Senator Wood, the amendment was then tabled.

S. B. No. 92 was then passed to engrossment.

#### S. B. No. 92 on Third Reading.

On motion of Senator Wood the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 92 was put upon its third reading and final passage by the following vote:

#### Yeas—22.

Bailey.	Pollard.
Baugh.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Doyle.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
Murphy.	Witt.
Parr.	Wood..

#### Nays—3.

Cousins.	Woods.
Rice.	

Absent.

Bledsoe.	McMillin.
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Absent—Excused.

Clark.	Davis.
Darwin.	

The Chair then laid S. B. No. 92 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—21.

Bailey.	Ridgeway.
Burkett.	Rogers.
Doyle.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Rice.	

#### Nays—4.

Baugh.	Cousins.
Bowers.	Pollard.

Absent.

Bledsoe.	Wirtz.
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Absent—Excused.

Clark.	Davis.
Darwin.	

(Senator Doyle in the Chair.)

#### S. B. No. 63 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading, S. B. No. 63, A bill to be entitled "An Act providing for the execu-



tion of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act and making an appropriation therefor; prescribing fees to be paid; repealing certain statutes with saving clauses, and all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Rogers moved the previous question on the passage of the bill to engrossment and the main question was ordered.

Yeas and nays were demanded, and S. B. No. 63 failed on engrossment by the following vote:

Yeas—11.

Bailey.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
Murphy.	Watts.
Ridgeway.	Woods.
Rogers.	

Nays—12.

Baugh.	McMillin.
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Rice.
Fairchild.	Turner.
Lewis.	Wood.

Present—Not Voting.

Doyle.

Absent.

Bledsoe.

Wirtz.

Witt.

Absent—Excused.

Clark.

Darwin.

Davis.

**S. B. No. 40—Motion to Reconsider Tabled.**

Senator Pollard moved to reconsider the vote by which the Senate on yesterday indefinitely postponed S. B. No. 40.

Senator Floyd moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	Fairchild.
Cousins.	Floyd.
Doyle.	Holbrook.

McMillin.

Murphy.

Rogers.

Strong.

Thomas.

Watts.

Wirtz.

Wood.

Nays—11.

Bailey.

Bowers.

Burkett.

Lewis.

Parr.

Pollard.

Rice.

Ridgeway.

Stuart.

Turner.

Woods.

**Absent.**

Bledsoe.

Witt.

**Absent—Excused.**

Clark.

Darwin.

Davis.

**S. B. No. 82 on Second Reading.**

On motion of Senator Rogers, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order.

S. B. No. 82, A bill to be entitled "An Act to create and provide for a Department of Banking for the State of Texas, separate from the Department of Insurance of this State; to provide for the appointment, term of office, official name, compensation and to prescribe the qualifications, powers and duties of the head of such department; providing for a seal of office; requiring of the Banking Commissioner of Texas as oath of office and a bond for the faithful discharge of his duties; providing for the appointment of a Deputy Commissioner of Banking; defining his duties, fixing his compensation, requiring of him an oath of office and a bond for the faithful discharge of the duties of his office; providing clerical help for such department; providing for the appointment of State Bank Examiners, fixing their number, salaries and duties; providing for the number of examinations that shall be made by State Examiners of State Banks, fixing the fees they shall be paid for such examinations, and providing how payments for salaries and expenses of examinations shall be made; providing for the appointment of a departmental examiner; prescribing his duties and fixing his compensation; providing for the appointment of a general liquidating agent, prescribing his

duties and fixing his compensation; amending Chapter 10, General Laws of Texas, passed by the First Called Session of the Twenty-ninth Legislature in 1905, being Senate Bill No. 6, and amending Section 38 of said Chapter 10; amending Chapter 205, General Laws of the Thirty-fifth Legislature, passed at the Regular Session in 1917, and amending Section 5 of said Chapter 205; amending Chapter 15 of the Second Called Session of the Thirty-first Legislature passed in 1909, being Senate Bill No. 4; amending Articles 518, 519, 521, 521a and 522, Revised Civil Statutes of 1911 and amendments thereof, as amended by the Acts of the Thirty-first Legislature at its Regular Session in 1909, being Section 44 of Chapter 15 of Senate Bill No. 4, and Article 521a, Revised Civil Statutes of 1911 and amendments thereof, as amended by Chapter 205, Section 7, Acts of the Thirty-fifth Legislature at its Regular Session in 1917; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, and it was read second time.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 82 by striking out the words and figures in Section 1: "Seven thousand, five hundred (\$7,500.00) dollars per year," and insert in lieu thereof the words "Six thousand dollars (\$6,000.00)."

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 82 by striking out the words and figures in Section 2 as follows: "Five thousand dollars (\$5,000.00)," and insert in lieu thereof the words and figures "Four thousand dollars (\$4,000.00)."

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 82, page 264, of the Senate Journal by striking out of Section 5, column 2, on said page in line 1, after the word "follows," and insert the following:

"The departmental examiner shall receive a salary of \$4,000.00 and the field examiners shall receive the following salaries: For the first year's service the sum of twenty-four hundred (\$2,400.00) dollars per year; the second year's service the sum of twenty-seven hundred (\$2,-

700.00) dollars per year; the third year's service the sum of three thousand (\$3,000.00) dollars per year; the fourth year's service the sum of thirty-three hundred (\$3,300.00) dollars per year; the fifth year's service the sum of thirty-six hundred (\$3,600.00) dollars, and for the sixth year of service and annually thereafter the sum of four thousand (\$4,000.00) dollars per year, which salaries shall not be increased. In addition to the salaries above specified, the examiners shall receive all necessary traveling expenses, and an itemized account of same shall be rendered monthly under oath by each examiner, and shall be approved by the Commissioner. The Banking Commissioner of Texas shall classify the examiners on his force when this Act goes into effect, in accordance with the years of service they have heretofore served in such office, and such years of service shall be counted in determining the salaries which shall be paid such examiners, after this Act goes into effect. In determining the years of service, it is not necessary that the number of years of service shall have been served consecutively."

The amendment was adopted.

S. B. No. 82 was then passed to engrossment.

#### S. B. No. 82 on Third Reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 82 was put upon its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Ridgeway.
Baugh.	Rogers.
Bowers.	Strong.
Cousins.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Rice.	

Nays—2.

Burkett.	Pollard.
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Absent.	
Bledsoe.	Floyd.
Absent—Excused.	
Clark.	Davis.
Darwin.	

The Chair laid S. B. No. 82 before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### S. B. No. 72 on Second Reading.

On motion of Senator Watts, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 72, A bill to be entitled "An Act to relieve certain schools and school districts of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds or the levying of special taxes for any lawful school purposes, validating such bond issues and taxes; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and passed to engrossment.

#### S. B. No. 72 on Third Reading.

On motion of Senator Watts, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 72 was put upon its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Pollard.
Baugh.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Doyle.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Wood.
Parr.	Woods.

Absent.

Bledsoe.	Witt
Bowers.	

Absent—Excused.	
Clark.	Davis.
Darwin.	

The Chair then laid S. B. No. 72 before the Senate on its third reading and final passage.

The bill was read third time and passed.

(Senator Bailey in the Chair.)

#### S. B. No. 50 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 50, A bill to be entitled "An Act to create the State Board of Agriculture; providing for the appointment of the members of said board; providing for the appointment by said board of a commission; defining the powers and duties of said board and commission; providing the term of office of the members of the said board and for the members of the commission; providing for mileage and per diem of the board, and making an appropriation therefor; providing for salaries of the commission; providing for the appointment of a chief clerk and fixing his salary; providing for qualifications of the members of the board and the commission; providing for meetings of board; providing for bond and oath of office for the members of the commission; providing for the transfer of the duties of the Commissioner of Agriculture, Live Stock Sanitary Commission and Commissioners of Markets and Warehouses to the Board of Agriculture and Commission of Texas; transferring the edible nuts division of the Agricultural Department to the Agricultural and Mechanical College; transferring the feed control, the foul brood control and the commercial fertilizer control to the Agricultural Commission of Texas; requiring annual reports; repealing Articles 4435, 4436, Chapter 6, Title 65, Revised Civil Statutes, 1911; repealing Article 7312, Chapter 8, Title 124, Revised Civil Statutes, 1911; repealing Section 2, Chapter 41, First Called Session, Thirty-fifth Texas Legislature; abolishing the Department of Agriculture and the office of the Commissioner thereof, the Live Stock Sanitary Com-

mission of Texas and the office of Commissioners thereof and the Department of Markets and Warehouses and the office of Commissioner thereof; providing for office space and equipment, and transferring appropriations; and declaring an emergency."

The bill was read second time.

Senator Cousins offered the following amendment to the bill:

Amend S. B. No. 50 by striking out "Board of Commissioners" where they occur, and insert instead "The Commissioner of Agriculture."

Question: Shall the amendment be adopted?

#### S. B. No. 63—Reconsidered.

Senator Pollard moved to reconsider the vote by which Senate Bill No. 63 failed on engrossment, and to spread that motion on the Journal.

#### H. B. No. 1—Free Conference Committee Appointed.

On motion of Senator Cousins, the report of the House for the appointment of a Free Conference Committee on H. B. No. 1, was granted.

The Chair (President Pro Tem. Murphy) announced the appointment of the following committee on the part of the Senate:

Senators Cousins, Witt, Wood, Woods and Holbrook.

#### H. B. No. 10—Conference Committee Report Adopted.

Senator Stuart submitted the following report of the Free Conference Committee on H. B. No. 10.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to consider the differences between the two Houses upon H. B. No. 10,

#### A BILL

##### To be Entitled

An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of

the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501, 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21, of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency.

Have met and, after full and free conference, have agreed and do hereby make the recommendation that the following bill be substituted and the conference committee substitute in lieu of the original be passed by both Houses of the Thirty-eighth Legislature all of which is respectfully submitted.

BELL,  
SMITH,  
CULP,  
MATHES,  
MAXWELL,

On the part of the House.

STUART,  
LEWIS,  
BLEDSON,  
FAIRCHILD,  
POLLARD,

On the part of the Senate.

#### A BILL

##### To be Entitled

An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21, of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7487,

7488, 7489, 8490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502 of the Revised Civil Statutes of Texas 1911, Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and all laws in conflict herewith be and the same are hereby repealed.

Sec. 2. All property within the jurisdiction of this State, real or personal, corporate or incorporate, and any interest therein, whether belonging to inhabitants of this State or to persons who are not inhabitants, regardless of whether property is located within or without the State, which shall pass absolutely or in trust by will or by the laws of descent or distribution of this or any other State, or by deed, grant, sale or gift made or intended to take effect in possession or enjoyment after the death of the grantor or donor, shall upon passing to or for the use of any person, corporation or association be subject to a tax for the benefit of the States' General Revenue Fund in accordance with the following classifications to-wit:

#### Class A

Sec. 3. If passing to or for the use of husband or wife, or any direct lineal descendant or ascendant of the decedent, or to legally adopted child or children, or to the husband of a daughter or the wife of a son, the tax shall be one per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; two per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; three per cent on any value in excess of one hundred thousand dollars, and not exceeding two hundred thousand dollars; four per cent on any value in excess of two hundred thousand dollars and not exceeding five hundred thousand dollars; five per cent on any value in excess of five hundred thousand dollars, and not exceeding one million dollars; and six per cent on any value in excess of one million dollars.

#### Class B.

Sec. 4. If passing to a religious, education or charitable organization located within this State and the bequest is to be used within this State, or to any city, town or county within this State, or to the State of Texas, or to the United States to be used in this State, the tax shall be one per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; two per cent on any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; three per cent on any value in excess of one hundred thousand dollars and not exceeding two hundred thousand dollars; four per cent on any value in excess of two hundred thousand dollars, and not exceeding five hundred thousand dollars; five per cent on any value in excess of five hundred thousand dollars and not exceeding one million dollars; and six per cent on any value in excess of one million dollars.

#### Class C.

Sec. 5. If passing to or for the use of a brother or sister, or a direct lineal descendant of a brother or sister of the decedent, the tax shall be three per cent on any value in excess of ten thousand dollars and not exceeding twenty-five thousand dollars; four per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; five per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; six per cent on any value in excess of one hundred thousand dollars, and not exceeding two hundred fifty thousand dollars; seven per cent on any value in excess of two hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars; eight per cent on any value in excess of five hundred thousand dollars and not exceeding seven hundred and fifty thousand dollars; nine per cent on any value in excess of seven hundred and fifty thousand dollars, and not exceeding one million dollars; and ten per cent on any value in excess of one million dollars.

#### Class D.

Sec. 6. If passing to or for the use of an uncle or aunt, or a direct

lineal descendant of an uncle or aunt of the decedent, the tax shall be four per cent on any value in excess of one thousand dollars, and not exceeding ten thousand dollars; five per cent on any value in excess of ten thousand dollars, and not exceeding twenty-five thousand dollars; six per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; seven per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars, ten per cent on any value in excess of one hundred thousand dollars, and not exceeding five hundred thousand dollars; twelve per cent on any value in excess of five hundred thousand dollars and not exceeding one million dollars; and fifteen per cent on any value in excess of one million dollars.

#### Class E.

Sec. 7. If passing to any other person within or without this State, or to any religious, education or charitable organization located without the State of Texas, or to any religious, education or charitable organization located in the State of Texas, or to the United States and the bequest is to be used without this State, or to any other corporation or association not included in any of the classes mentioned in the preceding portions of this Act, the tax shall be five per cent on any value in excess of five hundred dollars, and not exceeding ten thousand dollars; six per cent on any value in excess of ten thousand dollars; and not exceeding twenty-five thousand dollars; eight per cent on any value in excess of twenty-five thousand dollars, and not exceeding fifty thousand dollars; ten per cent on any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; twelve per cent on any value in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; fifteen per cent on any value in excess of five hundred thousand dollars, and not exceeding one million dollars; and twenty per cent on any value in excess of one million dollars.

Sec. 8. If the property passing as aforesaid shall be divided into two or more estates, as an estate for

years or for life and a remainder, the tax shall be levied on each estate or interest separately, according to the value of the same at the death of decedent. The value of estates for years, estates for life, remainders and annuities, shall be determined by the "Actuaries Combined Experience Tables," at four per cent compound interest.

Sec. 9. If a testator bequeaths or devises to his executor or trustee property in lieu of commission, the value of such property in excess of reasonable compensation, as determined by the county judge and the State Comptroller of this State, shall be subject to taxation under this chapter.

Sec. 10. A lien shall exist on all property subject to taxation under this Act to secure the payment of all taxes, penalties and costs provided for herein; and all persons acquiring any portion of said property shall be charged with notice of the existence of all such unpaid taxes, penalties and costs, and of the lien securing their payment, which lien may be enforced in any suit brought for the collection of said taxes, penalties and costs.

Sec. 11. Every executor, administrator, or trustee of the estate of a decedent leaving property subject to taxation under this chapter and every other person coming into possession of any portion of such estate where there is no administration of such estate, whether such property passed by will, or by the laws of descent or distribution, or otherwise, shall file a preliminary report within one month after coming into possession of any such property, in duplicate, one of which shall be filed with the Comptroller of the State, and the other with the county clerk of the county wherein such decedent resided at the time of his death, or wherein the principal part of his estate is located, giving the date of the death of such decedent, the approximate value and character of his estate, and the persons entitled to receive same. It shall be the duty of the county clerk to immediately notify the county judge of the filing of such report.

Within six months after the executor, administrator or trustee or other person comes into full possession of such estate he shall make re-

port in duplicate, one to the county clerk of the county wherein such decedent resided at the time of his death, or of the county in which the principal part of the estate of the decedent is located, and one to the Comptroller of the State. Said report must be made under oath and recorded as a permanent record in the probate court of said county and must give the following information, to-wit:

(a) A list of all real estate, where located in Texas, including improvements thereon, and the true and full value of such real estate and all improvements thereon at the date of the death of decedent.

(b) A complete list of all live stock showing the location, kind and value thereof.

(c) All moneys on hand or in the bank, regardless of location, whether in this State or outside of this State.

(d) All notes, bonds, certificates, mortgages, stocks and other securities or evidence of indebtedness due the estate, showing the name and residence of those owning the estate, and the kind of bonds owned, the kind of notes, mortgages and stocks and other securities and the name of the corporation, association or company in which stock or any interest is owned.

(e) The name and address of all persons entitled to such property and the value of such property to each beneficiary.

Sec. 12. No notes, bonds, certificates, mortgages, stocks, securities or other evidence of indebtedness due the estate of a deceased person, and subject to any tax provided for in this Act, shall be transferred or delivered to any legatee or heir until the Comptroller of this State issues a notice to the executor, administrator or trustee of such estate, or to their bondsmen, if any there be, stating that all the inheritance taxes due the State of Texas have been paid, which notice shall be authority for any administrator, executor or trustee to deliver such property to the proper legatees or heirs as the case may be.

Sec. 13. Should any domestic corporation or association transfer to any legatee, or heir, or should an administrator, executor or trustee deliver to any legatee or heir the stocks or bonds of any domestic cor-

poration or association, or deliver any other property, before the inheritance tax thereon due the State of Texas is paid, the corporation or association and the administrator, executor, trustee or their bondsmen, shall be liable for said tax and penalty and all costs of collection.

Sec. 14. It shall be the duty of the county attorney or district attorney where there is no county attorney, of each county in this State to carefully investigate and keep informed concerning the States subject to the payment of taxes and to see that proper reports are filed as required by Section 11, of this chapter, and if an administrator, executor or trustee fails or refuses to file said report or reports, as provided in Section 11 of this Act, and within the time specified, he shall be guilty of a misdemeanor and upon conviction thereof he shall be fined in any sum not less than \$100.00 nor more than \$1,000.00 and it is hereby made the duty of the county attorney, or the district attorney where there is no county attorney, to promptly file complaint or information in the proper court against such administrator, executor or trustee for not making the report or reports as herein required.

Sec. 15. The only deductions permissible under this Act are the debts due by the estate, funeral expenses, expenses incident to last illness of deceased, and all Federal, State and county and municipal taxes due at the time of the death of decedent and a full statement of the facts authorizing deductions must be made in duplicate under oath by the executor, administrator or trustee, and one copy filed with the county clerk and the other with the Comptroller before any deductions will be allowed."

Sec. 16. In case of the death of a non-resident of this State, owning no property in Texas except stocks or bonds in a domestic corporation or association, and such fact is shown to the satisfaction of the Comptroller of this State, such Comptroller shall value said property, and the administrator, executor or trustee may pay said tax when notified of the amount by the State Comptroller, direct to said State Comptroller, Austin, Texas, who will issue proper receipt and deliver to the State Treasurer, who will keep a rec-

ord of such payment and forward receipts to the administrator, executor or trustee.

Sec. 16a. Immediately after the filing of reports as required by Section 11 of this Act, or as soon thereafter as practical, the county judge shall calculate and determine the amount of taxes due and shall furnish statement of the same to the Comptroller of the State for verification. If the Comptroller find the tax to be correctly calculated he shall so advise the county judge whereupon it shall immediately become the duty of the county judge to certify such amount to the collector of taxes, to the executor, administrator or trustee and to the person to whom, or for whose use, the property passes, and said tax shall be a lien upon such property from the death of the decedent until paid.

Sec. 16b. The collector of taxes of each county shall, on or before the fifteenth day of each month, pay to the State Treasurer all taxes received by him under this law before the first day of that month, deducting therefrom all lawful disbursements made by him under this Act, and also his compensation at the rate of one per cent of all taxes collected under this Act.

Sec. 17. No final account of any executor, administrator or trustee shall be allowed by the county judge unless such account shows and said judge finds that all taxes imposed under this law or any property or interest passing through his hands as such have been paid; neither shall the county judge close any estate or permit the delivery of any property to the legatee or heir without first ascertaining whether or not a tax is due under this Act and if no tax is due such fact must be shown by an instrument in writing filed with the final papers closing said estate.

Sec. 18. If the amount of tax due under this Act as shown by such assessment furnished by the county judge and Comptroller is not paid within three months from the date of said assessment, same shall draw two per cent per month until paid, beginning with the date of notice of such assessment, and shall be added to said tax and collected as a penalty. If said tax and penalty are not paid within nine months from the date of such assessment the Comptroller

shall so advise the county attorney, or if there is no county attorney in the county then the district attorney, who must immediately file suit in the district court to foreclose the tax lien as other tax liens are foreclosed.

Sec. 19. The tax herein provided for shall be assessed upon the actual market value of the property, in case it has market value, and if there is no market value then on the real value thereof. The judge of the county court having jurisdiction of the estate of the decedent shall appoint two competent disinterested persons to be approved by the Comptroller as appraisers to fix the value of the property subject to said tax. The appraisers, being first sworn, shall forthwith give notice to all persons known to have any claim or interest in the property to be appraised, including the executor, administrator or trustee, of the time and place when they will appraise the same. At such time and place said appraisers shall appraise such property at its actual market value, if it has a market value, and in case it has no market value, then at its real value at the time of the death of decedent, and shall thereupon make a report thereof in writing to said county judge and Comptroller, who shall file and keep such report. Each appraiser shall be paid, on the certificate of the county judge, five dollars for each day employed in such appraisal, together with his actual necessary expenses incurred therein; provided, however, that upon agreement of the parties interested to dispense with the appointment of appraisers, the county judge and Comptroller shall appraise the property and make and file a report of such appraisement. If the same decedent shall leave property taxable hereunder to more than one person, said appraisement and report shall be made for the property of each of such persons.

Sec. 20. If any person charged with the duty of filing a report under this chapter shall knowingly make a false report he shall be liable for a penalty of not exceeding one thousand dollars, which penalty shall be collected by the county attorney or by the district attorney where there is no county attorney, in the name of the State of Texas, by suit in any



court of competent jurisdiction, in the county in which the administration is pending, twenty per cent of which penalty shall be retained by the attorney prosecuting such suit as attorney's fees, and the remainder shall be distributed as the taxes collected under this chapter are distributed.

Sec. 20a. For the services performed under the provisions of this Act, the county attorney and the county judge shall each be allowed two per cent of the taxes collected not to exceed thirty dollars in any one estate. If suit be brought as required by Section 18 of this Act the county or district attorney prosecuting same shall receive as compensation therefor five per cent on the amount of the taxes payable hereunder not to exceed in any one case the sum of one hundred dollars, which fee shall be added and collected from said estate in addition to the taxes and penalties herein provided for and such compensation shall be in addition to all other fees and compensation provided by this Act; provided that the aggregate of fees received under this chapter shall not exceed in any one year the sum of two thousand dollars and any fees earned in addition to said sum shall be considered a portion of the tax and penalties collected and be distributed in the same manner.

Sec. 21. The moneys received by the State Treasurer under this Act shall be deposited in the State Treasury to the credit of the General Revenue Fund.

Sec. 21a. The Comptroller shall prescribe and furnish all forms necessary in making the reports and collecting the tax provided for by this Act.

Sec. 21b. All taxes received under this Act by any executor, administrator or trustee, shall be paid by him to the collector of taxes of the county whose county court has jurisdiction of the estate of the decedent. Upon such payment, the collector shall make duplicate receipts thereof, he shall deliver one to the party making payment, the other he shall send to the Comptroller of Public Accounts, who shall charge the collector with the amount thereof, and shall countersign and affix his seal of office to such receipt and transmit same to the party making payment.

Sec. 22. Whenever any debts shall be proven against the estate of the decedent after the distribution of the property on which the tax has been paid and a refund is made by the distributee, due proportion of the tax so paid shall be repaid to him by the executor, administrator or trustee if still in his hands, or by the Comptroller upon warrant on the State Treasurer, if said tax has been paid.

Sec. 23. If for any reason administration of the estate of a decedent, leaving property subject to taxation under this law shall not be necessary in this State, except in order to carry out the provisions of this chapter, it shall be in the discretion of the county judge and Comptroller upon filing with each of them a satisfactory inventory of the taxable property by the trustee or owner, to dispense with the appointment of an administrator. Upon the filing of such inventory the appraisement and other proceedings required by this chapter shall be had as in other cases.

Sec. 24. If any section or sub-section of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section and sub-section thereof irrespective of the fact that any one or more sections or sub-sections be declared unconstitutional.

Sec. 25. That the provisions of this Act may be carried out, and to aid in its enforcement, the Attorney General of the State of Texas is hereby authorized to designate one of his assistants as inheritance tax attorney, who shall at all times advise the State Comptroller upon matters pertaining to this Act, and who shall assist in any and all suits necessary for its enforcement.

Sec. 26. Owing to the fact that the present method of ascertaining the amount of inheritance tax due and the method of collecting same is inadequate and does not get the money due the State of Texas, and the further fact that large sums of money due the State as taxes are not being collected and the fact that the revenue and school funds of this State are badly in need of additional revenue, creates an emergency and

an imperative public necessity requiring the suspension of the constitutional rule that bills be read in each House on three several days and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

**Yeas—23.**

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Doyle.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

**Absent.**

Bledsoe.	Pollard.
Burkett.	Woods.

**Absent—Excused.**

Clark.	Davis.
Darwin.	

**S. R. No. 30.**

By Senators Wirtz and Cousins:

Whereas. The Hon. C. F. Richards is in the city;

Be it resolved, That he be asked to address the Senate and be allowed the privileges of the floor.

The resolution was read and adopted.

The Chair appointed Senators Wirtz, Fairchild and Cousins to escort Mr. Richards to the President's stand, and being presented by Senator Wirtz he addressed the Senate.

**H. B. No. 1—Conference Committee Changed.**

Senator Woods' resignation as a member of the Free Conference Committee on H. B. No. 1 was accepted, and Senator Burkett was appointed to fill the vacancy.

**S. B. No. 59—Additional Author.**

By unanimous consent, Senator Stuart's name was added as one of the authors of S. B. No. 59.

**S. C. R. No. 6—Report of Investigating Committee.**

By Senator Wirtz:

The Capitol,

Austin, Texas, May 8, 1923.

To Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House.

Sirs: We, your Committee, appointed by virtue of Senate Concurrent Resolution No. 6, to investigate, inquire into, and report on a speech alleged to have been made by one Hull Youngblood in San Antonio, Texas, April 19, 1923, beg leave to report as follows:

Your committee organized, and summoned witnesses to appear before it for the purpose of determining, first, whether said Hull Youngblood made the remarks attributed to him; and second, whether or not there was any basis in fact for the charges alleged to have been made by him, especially the charge of corruption against members of this Legislature.

From our investigations, we have adduced sufficient evidence to show that said Youngblood made such charges. Thereupon, we called Mr. Youngblood to the stand for the purpose of ascertaining from him what evidence, if any, he had to support such charges. Mr. Youngblood refused to be sworn, or testify, whereupon we attempted to impose a punishment against him for contempt. The Court of Criminal Appeals, in cause No. 7849, styled *Ex Parte Hull Youngblood*, has held that said committee is without authority to punish witnesses for failure and refusal to give testimony before it. We therefore deem further inquiry by this committee useless.

However, during the pendency of the legal proceedings brought to release said Youngblood from the penalty imposed by this committee, a statement in writing, signed and sworn to by said Youngblood, was presented to this committee by his counsel, in which statement said Youngblood stated that he had no evidence or knowledge of any corruption on the part of any member of this Legislature. We, therefore, denounce the charges made by said Youngblood as false, unwarranted,

and unbecoming of a citizen of Texas.

This committee being without authority to proceed further, we report the above facts back to your bodies for such further action as the Legislature may deem expedient.

SHIRES,  
PATMAN,  
IRWIN,  
LEWIS,  
BEASLEY,

On the part of the House.

WIRTZ,  
HOLBROOK,

On the part of the Senate.

The report was ordered printed in the Journal.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 35, A bill to be entitled "An Act amending Section 1, Chapter 3, of the Acts of the Thirty-fifth Legislature, Third Called Session, entitled 'An Act creating the Anahuac Independent School District in Chambers County, Texas,' by re-defining and adding to the Anahuac Independent School District certain territory now embraced in Common School District No. 20, of Chambers County, Texas; and adding thereto Sec. 1a divesting the said common school district No. 20 of the control of the public free schools within the limits of the territory herein added to said Anahuac Independent School District and investing the said Anahuac Independent School District with full control of the public free schools within the limits of said independent district as herein defined; and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act creating the Frost Independent School District in Navarro County, Texas; defining its boundaries, including the present Common School District No. 60; providing for a board of trustees in said district, conferring upon said district and its

board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Frost Common School District No. 60; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

Refuses to concur in Senate Amendments to H. B. No. 1 and requests the appointment of a Free Conference Committee to adjust the differences. The following committee is appointed on part of the House: Coffee, Patterson, Beasley, Johnson, and Morgan of Liberty.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair (President Pro Tem Chas. Murphy) had referred, after their captions had been read, the following House bills:

H. B. No. 108, to the Committee on Educational Affairs.

#### Bills Signed.

The Chair (President Pro Tem Chas. Murphy) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 35.

#### Adjournment.

On motion of Senator Doyle, the Senate at 5:55 p. m. adjourned until 9:30 a. m., tomorrow.

## APPENDIX.

## Committee Reports.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 65 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 94 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 91 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 84 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 83 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 79 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 90 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 62 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 44 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 61 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have carefully compared Senate Bill No. 35, and find the same correctly enrolled and have this day at 3:40 o'clock p. m. presented the same to the Governor for his approval.

RICE, Chairman.

Committee Room.

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 75, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidences of indebtedness, for their members, and authorizing such corporations to become endorsers on notes, or other evidences of indebtedness of their members; providing that such notes, or other evidences of indebtedness, are made for the purposes provided in the Federal "Agricultural Credits Act of 1923," and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening, or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provision of this Act with a capital stock of less than \$10,000.00, all of which shall be fully paid in at the time of filing the Articles of Incorporation, and such capital stock shall be invested in securities approved for investment by Savings Banks under the laws of Texas; and providing that such corporations shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase, providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital

stock represented by that part of its capital automatically increased; and providing such corporations may by their Articles of Incorporation provide for Preferred and Common Stock, and if provision be made for Preferred Stock,—The Articles of Incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and providing that Banking, or other corporations, except Savings Banks, may—upon the approval of the Commissioner of Banking and Insurance—first had and obtained invest in the preferred stock of such corporations; and providing also the requirements to be set out in the Articles of Incorporation of such corporations; and providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum amount of interest; and providing for the suspension of the Constitutional Rule and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 76, A bill to be entitled "An Act to enable the citizens of the State of Texas to avail themselves of the provisions of the Act of Congress of the United States of America approved March 4th, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production or marketing of staple agricultural products or the raising, breeding, feeding, fattening or marketing of live stock; and providing that such co-operative credit associations shall have the power to borrow for, and lend money to their members; to

discount or rediscount for their members only, and to purchase, indorse and sell the notes of its' members, or such other evidences of indebtedness as may be discounted and rediscounted under the provisions of the Federal "Agricultural Credits Act of 1923," and under the terms, rules and regulations prescribed by the Federal Farm Loan Board, and with such other and additional powers as are conferred upon Associations generally, organized under the laws of this State, where not in conflict with the express provisions hereof; authorizing such co-operative credit associations to be organized with or without capital stock, provided that such co-operative credit associations organized for the purpose of raising, breeding, feeding, fattening or marketing live stock shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles of incorporation shall provide that loans shall not be obtained for, made to, or notes purchased of any person or corporation other than a stockholder in such association and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans and discounts of such associations and that the amount of loans or discounts by such associations shall never be in excess of ten times the amount of paid-up, unimpaired capital stock of such association; providing that this Act shall be cumulative of all other general laws of this State effecting corporations organized thereunder and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations from the payment of any other license or franchise tax; and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation

that it do pass and be printed in the Journal.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 77, A bill to be entitled "An Act to amend Section 10 of Chapter 3, of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated (d½) providing that liabilities incurred under the provisions of the Federal "Agricultural Credits Act of 1923" shall not be taken into account in determining the amount of indebtedness or liability of banking corporations incorporated under the laws of this State, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate Joint Resolution No. 4, "Authorizing and providing for the exchange between the State of Texas, acting by the Board of Prison Commissioners, and the Hermann Hospital Estate of certain lands situated in Fort Bend County, Texas, and authorizing the Board of Prison Commissioners to execute and accept such conveyances as may be necessary to effect same.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

LEWIS, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on

State Affairs, to whom was referred H. B. No. 69, A bill to be entitled "An Act extending oil and gas permits on lands which are now or have been in the possession or under the control of the Federal Receiver appointed by the Supreme Court of the United States for such periods of time respectively as such lands have been or may be in such receiver's possession or under his control, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 69, A bill to be entitled "An Act providing that, where the State of Texas, through the Game, Fish and Oyster Commission, has issued a permit to excavate and take from any island, reef, bar, lake, river, creek, bayou, or bay of this State marl, mud shell, oyster shell, sand, and gravel, the State, at the request of the permit holder, shall have the right and power to condemn land for the purpose of erecting dredges and necessary equipments, railroad spurs, and railroad sidings, and of opening roads and passage-ways to said place of operations; and providing that the method of condemnation shall be the same as is now provided by law in case of railroads; providing that suit may be instituted by the Attorney General of Texas in the county where such permit is situated and the cost of same be paid by the permit holder or his assigns seeking condemnation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.  
Sir: We, your Committee on

State Affairs, to whom was referred H. C. R. No. 9, relating to the investigation of the business relationships of oil companies doing business in Texas, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that the resolution be adopted, and be printed in the Journal and not otherwise.

WITT, Chairman.

Committee Room,  
Austin, Texas, May 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 70, A bill to be entitled "An Act amending Article 7583, Chapter 12, Title 126 of the Revised Civil Statutes of the State of Texas of 1911, relating to assessment of property for taxation and the compensation to be paid assessors for making assessments."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

WITT, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, May 8, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 70, A bill to be entitled "An Act amending Article 5980, relating to bond of Navigation and Canal Commissioners; Article 5995, relating to contractors' bond to Navigation and Canal Commissioners; Article 5997, relating to payments to contractors during progress of work; Title 96, Revised Civil Statutes of Texas, 1911, so that said Articles shall hereafter read as herein provided; and further amending Section 11 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation districts so that said Section 11, may hereafter read as herein provided; and further amending Section 20 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Leg-

islature, relating to navigation districts, so that said Section 20 shall hereafter read as herein provided; and providing that unconstitutionality of any part of this Act does not invalidate remainder; prescribing that all laws or parts of laws in conflict herewith are repealed; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WITT, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred H. B. No. 70, have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass with the following committee amendments:

No. 1.

Amend the caption of the bill as follows:

Insert after the word "of" and before the word "Navigation" the words "Chairman of"

Add after the words "Canal Commissioners" and before the word and figures "Article 5995," the following: "Article 5988 relating to bond of County Treasurer."

No. 2.

Amend Section 1, line 8, by striking out the words "Commissioners' Court" and inserting in lieu thereof the word "Judge."

No. 3.

Amend the bill page 1, by adding after Section 1, a new section to be known as Section 1-a, reading as follows:

"Sec. 1-a. Article 5988. That Article 5988 of Title 96, Revised Civil Statutes of Texas, 1911, shall be, and is hereby amended so that it shall hereafter be and read as follows:

"Art. 5988. Treasurer to give bond; compensation. The County Treasurer upon the sale of any Navigation District bonds, the proceeds of which may come into his possession or under his direction or control, shall before receiving such proceeds, execute a good

and sufficient bond, payable to the county judge or his successor in office and to be approved by the county judge of said county, for an amount to be fixed by the commissioner's court of said county, conditioned upon the faithful performance of his duty as treasurer of such district; which said bond shall remain in full force and effect so long as said proceeds of said bonds or any part thereof are in his possession or under his control or direction. The county treasurer shall receive such compensation for his services as may be determined by said Navigation and Canal Commissioners."

No. 4.

Amend bill by striking out all in Sec. 11 after the first the first paragraph down to and including the word "track" line 6, page 5, and insert in lieu thereof the following:

"Such navigation districts being organized, conducted and operated for the benefit of the public, and being engaged in a public service, are hereby authorized and empowered to build, construct, operate and maintain public service belt railroads within the limits of such navigation districts; and each such navigation district for the purpose of reaching or serving any dock, wharf, pier or commercial or industrial enterprise or business, located upon or adjacent to any navigable waterway, the improvement of which has been undertaken or contributed to by such navigation district, shall have full power and authority to exercise the right of eminent domain, and to acquire by purchase, lease or condemnation, lands, easements and rights of way for railroad tracks, spurs, switches, side tracks, railroad yards and terminals for such public belt railway, which in the opinion of the Navigation and Canal Commissioners of such navigation district may be necessary for the construction, operation or maintenance of such belt railway service; also, to acquire by purchase or condemnation rights of way upon, over or across any railroad track in such navigation district, for the purpose of laying, constructing, building or maintaining railroad tracks or spurs, and operating thereover for the purpose of reaching or serving any such dock, wharf, pier or commercial or industrial enterprise or business located upon or adjacent to any navigable water way, the improvement of



which water way has been undertaken or contributed to by such navigation district; also to condemn the right to use the railway track or tracks of any industrial or commercial enterprise, or of any railroad company heretofore or hereafter constructed within such navigation district, for the purpose of reaching or serving any dock, wharf, pier or commercial or industrial enterprise or business located upon or adjacent to such navigable water way; provided, that such right and power shall not extend to the condemnation of the use of a railroad track to the exclusion of the use of such track by its owner or so as to substantially deprive the owner of the use of such track; also to acquire by purchase or condemnation lands or easements therein for the purpose of rights of way, dumping and spoil grounds, or other purposes for the improvement of any water way or water ways in said navigation districts."

No. 6.

Amend Section 1, line 9 by striking out the words "Navigation and Canal Commissioners" and inserting in lieu thereof the following: "Commissioners court of said county."

No. 7.

Amend the bill by striking out all of Section 5 thereof, and renumbering the remaining sections correctly and in accordance therewith.

**STRONG,  
BAUGH.**

Senate Chamber,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred

H. B. No. 51, A bill to be entitled "An Act amending Section 3 and Section 5 of an act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas,' etc., being Senate Bill 118, Chapter 29, of the Regular Session Laws, so as to prevent the unlawful expenditure of the State Text Book Fund and inhibit the unlawful purchase of unnecessary free text books, repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

**WOOD, Chairman.**

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 98, A bill to be entitled "An Act to amend Articles 4256 and 4257 of an act entitled Guardian and Ward, Chapter 17, Title 64 of the Revised Civil Statutes of Texas, 1911, providing for the appointment and qualification of non-resident guardians of the estate of non-resident minors of the State of Texas; prescribing the procedure in such cases; fixing the amount of bond of such guardians; providing for the removal out of the State of Texas of personal property of such estates; providing for the sale of real property belonging to such estates and removal of the proceeds thereof; providing for the procedures in such sales, and validating the proceedings heretofore taken under Chapter 7, Title 64, Revised Civil Statutes of Texas, 1911, and as since amended, qualifying such guardians, and sales of real estate heretofore made by such non-resident guardians, made in accordance with the provisions of Chapters 11 and 12, Title 64, Revised Civil Statutes of Texas, 1911, and as since amended; and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

**BAILEY, Chairman.**

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 2, Title 65, Revised Statutes of 1911, by adding thereto Article 4352a, pertaining

to the registration of bonds and prescribing the duties with reference thereto to the Comptroller, his Chief Clerk and Bond Clerk, and validating registration of bonds heretofore registered; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon T. W. Davidson, President of the Senate.

Sir: We, your committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 64, A bill to be entitled "An Act to provide protection to public roads against destruction by pipe lines, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

BURKETT, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 100, relating to the supervision and regulation of the transportation of persons and property for compensation or hire, over any public highway, by motor propelled vehicles, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and otherwise.

BURKETT, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 102, relating to an Act defining "Commission", "Public Road", "Highway", "Railroad", "Railroad Grade Crossings", "Separation of Grades", "Underpass", "Over-

pass", authorizing the State Railroad Commission to curtail the construction of railroad grade crossings and to provide for the elimination of railroad grade crossings already constructed, in certain cases; to authorize the Railroad Commission to conduct hearings and issue orders and decisions in respect to the construction of underpasses and overpasses, and elimination of railroad grade crossings already constructed, authorizing the acquiring of additional right-of-way, providing for maintenance of underpasses and overpasses, providing for apportionment of the expenses of crossings constructed under the provisions of this Act, providing the manner of enforcing the orders issued by the Railroad Commission pursuant hereto, providing right of appeal from the decisions of the Railroad Commission, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and otherwise.

BURKETT, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred S. B. No. 101, relating to the limit of weights of wagons or other vehicles drawn or propelled by muscular power which may be operated on the public highways; providing for the issuing of special permits to move or operate vehicles with gross weights greater than those prescribed in this Act in certain cases; providing a penalty for violating the provisions of this Act, and declaring an emergency. Having had same under consideration, I have been instructed to report it back with the recommendation that it do pass, and be printed in the Journal and otherwise.

BURKETT, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 97, A bill to be entitled "An Act creating and establishing the

Lamb County Independent School District No. 1, of Lamb County; defining its boundaries, providing for election of a board of trustees to manage and control the schools of said district; authorizing said district to issue bonds, and to assume a part of the outstanding indebtedness of the Littlefield Independent School District, and of the Olton Independent School District; and investing said district with all the rights, powers, privileges and duties of independent school districts organized or existing under the General Laws of the State of Texas."

Have had the same under consideration, and I am requested by the committee to report the same back to the Senate with the recommendation that it do pass, and being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 108, A bill to be entitled "An Act creating the Frost Independent School District in Navarro County, Texas; defining its boundaries; including the present Common School District No. 60; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon Independent School Districts and the board of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Frost Common School District No. 60; providing for the appointment of a tax assessor and collector and board of equalization for said district; and declaring an emergency."

Have had the same under consideration, and I am requested by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

## EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, May 9, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Murphy.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Davis.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Woods.

Absent.

Bailey.	Stuart.
Doyle.	Wood.
Fairchild.	

Absent—Excused.

Darwin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Doyle for today and tomorrow, on account of important business, on motion of Senator Strong.

Senator Bailey for this morning, on account of committee work, on motion of Senator Clark.

## Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senator Pollard:

S. B. No. 103, A bill to be entitled "An Act repealing Chapter 78 of the Special and Local Laws of the Thirty-eighth Legislature, passed at its Reg-